

Board of Law Examiners
Appointed by the Supreme Court of Texas

July 2016 Texas Bar Examination

General Instructions

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Daily Testing Schedule

Daily Schedule	Tuesday-MPT & P&E	Wednesday-MBE	Thursday-Essays
Morning Session Instructions begin at 8:30 a.m.	Two 90-minute sessions Must <i>remain seated</i> between sessions	3 hours of testing	3 hours of testing
Lunch Break	--	Approx. 12:00 – 1:30	Approx. 12:00 - 1:30
Afternoon Session	--	3 hours of testing	3 hours of testing

No additional time will be granted to anyone arriving late. No exceptions will be made under any circumstances.

Security Policy

1. Secure Area

Each exam site has a designated Secure Area. Restrooms and water fountains are located within the Secure Area. If you leave the Secure Area during a testing session, you cannot re-enter it during that testing session, and you may be disqualified from the entire exam. Do not leave the Secure Area during any testing session to use the restroom, smoke, eat, drink, or for any other reason.

2. Required Items

You *must* present the following items in order to enter the Secure Area:

- Admission Ticket
- Valid, unexpired government-issued photo identification

3. Permitted Items

In addition to the Required Items listed above, you are permitted to bring the following items into the Secure Area on *all three testing days*:

- Pencils, erasers
- Keys, key cards
- Cash, credit cards
- Sweater or jacket
- Prescription medicine, in its original packaging
- Prescription eye glasses (no cases, no dark lenses)
- One clear plastic bag
- Items pre-authorized in a written Courtesy Arrangement For Health-Related Condition

The following items are also permitted on *Tuesday and Thursday only*, and are **not** permitted on Wednesday:

- Pens, highlighters
- Authorized laptop, extension cord, external mouse, external keyboard, cooling stand

4. Courtesy Arrangements for Health-Related Conditions

If you believe that you need to bring items in the Secure Area that are not listed above as Required or Permitted, such as medical supplies or lactation pumps, or if you believe you need any special arrangements to address health-related conditions, please contact your Licensure Analyst as soon as possible for instructions on how to request courtesy arrangements. **Requests received after July 1 may not be considered.** (*Note: This paragraph does not apply to testing accommodations based upon a disability, which are governed by the procedures, timelines, and requirements of Rule XII.*)

5. Provided Items

We will provide the following at each test site:

- Digital clocks or countdown timers, which will be clearly displayed and plainly visible from each seat at each test site
- Water fountains
- Tissue
- Foam ear plugs
- Cough drops
- Feminine products
- 1 piece of scratch paper for the MPT

6. Prohibited Items

Anything not listed above as a Required Item, Permitted Item, or Provided Item is Prohibited in the Secure Area. **Cell phones are Prohibited.** If you bring a cell phone or any other Prohibited Item into the Secure Area, you may be immediately disqualified from the exam. We may confiscate Prohibited Items from you, and retain them as necessary for inspection. We will report violations to the Board, who could nullify your exam results, conduct a hearing into your character and fitness, and/or take other actions.

Examples of **Prohibited Items** include:

- ✗ Study materials
- ✗ **Cell phones**, smart watches, fitness trackers, and any other electronic device
- ✗ Watches of any type, digital watches, analog watches, timers, clocks
- ✗ Pencil sharpeners
- ✗ Food and beverages (including water, candy, gum, mints, cough drops)
- ✗ Cameras, scanners, recorders
- ✗ Hats, scarves, headgear (except religious items)
- ✗ Headphones, **ear plugs**, or any sound suppression device (other than foam ear plugs that will be provided by the Board)
- ✗ Billfolds, wallets, cardholders
- ✗ Calculators
- ✗ Smoking materials
- ✗ Backpacks, purses, tote bags
- ✗ Erasable pens, correction fluid/pens
- ✗ Weapons and guns—even if you have a license to carry a concealed handgun

7. Empty Pockets

Any pockets in your clothing must be empty. Required and Permitted Items should be placed in a clear plastic bag.

8. Communications

You cannot communicate with anyone other than a proctor or Board personnel during any testing session. This prohibition includes even casual comments to other examinees in the restroom or other parts of the Secure Area during a testing session. Do not bring cell phones or communication devices of any kind to the Secure Area.

9. When Time is Called

Writing or typing after a “STOP” command is called is a violation of the Honor Pledge. We will report the incident to the Board, who could nullify your exam results, conduct a hearing into your character and fitness, and/or take other actions.

All handwritten answers for all testing sessions must be turned in before or at the end of each session or they will not be graded. Laptop examinees must upload their answers by the stated deadline. No late answers will be accepted. Once you have turned in your exam, you may not retrieve it for any reason. No overtime is allowed. Violation of any instruction related to exam security may result in the nullification of your exam.

10. Laptops

If you have properly applied to use, and have properly registered, your laptop, you will use it on Tuesday and Thursday. Instructions for launching SofTest will be distributed to you on Tuesday and Thursday at the

exam site. **You must read and follow these instructions. On Thursday, you must leave your laptop at your seat in the exam room during the lunch break.** Staff and security will be present in the exam room during the break to monitor laptops and other belongings.

Once you open your laptop in the Secure Area, you must launch SofTest immediately—you cannot use your laptop to read notes, check e-mail, or browse the internet. **Once in the Secure Area, accessing anything on your laptop other than SofTest is a violation of the Honor Pledge.**

Honor Pledge

At the end of each testing session of each exam day, you will be given time to write the Honor Pledge, in your usual handwriting, affirming that you have not violated the Security Policy (Items 1-10, above), cheated, or otherwise compromised the integrity of the Bar Exam, and that if you observed anyone else doing so, you have fulfilled your ethical duty to report your observations to a proctor or other Board staff at the exam site. To preserve anonymous grading, do not sign your name to the pledge. If you cannot honestly write the pledge on any given day, you must contact a proctor.

The Honor Pledge:

I have read and understand the Texas Bar Exam Security Policy. I have not given or received aid on the exam, or otherwise violated the Security Policy. If I am aware of anyone else having done so, I have already reported this to the Board of Law Examiners staff.

Exam Day Procedures

1. Examinee Number

Your randomly assigned 5-digit examinee number is printed on your Admission Ticket. The Bar Exam is processed and scored entirely by examinee numbers.

2. Assigned Seating

You must sit in the seat marked with your examinee number. Do not change your seat without permission from a proctor or other Board staff.

3. Leaving Your Assigned Seat

You cannot leave your assigned seat during the first 15 minutes or the last 15 minutes of any testing session (except as permitted by Board staff in response to an emergency).

If you leave your assigned seat during an allowable period of a testing session, follow this procedure:

- Take your printed test materials (all question booklets, answer booklets, and/or grids), your Admission Ticket, and your photo ID to the designated proctor table.
- Place your test materials *face down* on the proctor table. Place your photo ID on top of your test materials.
- Take your Admission Ticket with you.
- When you return, show your Admission Ticket to the proctor, who will confirm your identity and return your test materials and photo ID to you.

4. 15-minute Warning

The Board will announce when 15 minutes remain in each session. If you are still in the Secure Area, you will be required to stay in your seat for the remainder of the session, and until you are dismissed.

5. Marking in Test Booklets

You may underline, mark, diagram, write, or make notes on all question booklets, but such markings will not

be graded.

6. Scratch Paper

You cannot bring your own scratch paper for any testing session.

7. Exam Material Security

Before we dismiss examinees from a testing session, we must account for all test materials, including P&E Question books and Essay Question books. Therefore, if you are present when time is called at the end a testing session, you must remain quietly in your seat until we account for the test materials. Please consider this as you make plans for meeting any responsibilities you may have at the end of these testing sessions. As always, we appreciate your cooperation.

8. Withdrawing From the Bar Exam

If you decide not to take this Bar Exam, then write “withdrawing” directly on your Admission Ticket and mail or hand-deliver it to us. Fees are *not* refunded and are *not* transferred to a future exam. If you want to take a future exam, you must submit a re-application and fees by the applicable deadline in Rule IX(a). (You would *not* be eligible for the special re-application deadline set out in Rule IX(f).)

9. Starting, But Not Completing, the Bar Exam

You may take the Bar Exam a maximum of 5 times. If you sit for any part of an exam, it will count as one of your 5 attempts. However, unless you make a bona fide effort to complete each section of the exam, we will not grade any part of the exam, and if you want to take a future exam, you must submit a re-application and fees by the applicable deadline in Rule IX(a). (You would *not* be eligible for the special re-application deadline set out in Rule IX(f).)

10. General Advisory

The Board of Law Examiners will do its best to provide appropriate testing conditions. Dress in layers to adjust to the temperature in the exam room. Be prepared to be flexible.

Day 1: MPT and P&E -- Tuesday (Morning Session Only)

1. No Break

The MPT (90 minutes) and the P&E Questions (90 minutes) are administered in a single testing session. There is **no break** between them. **You must remain in your seat during the following segments of this testing session:**

- MPT instructions and the first 15 minutes of the MPT;
- The last 15 minutes of the MPT, collection of MPT materials, P&E instructions, and the first 15 minutes of the P&E; and,
- If you are still present, the last 15 minutes of the P&E and collection of P&E materials.

2. Multistate Performance Test (MPT)

- The MPT is a 90-minute exam designed to test your ability to use fundamental lawyering skills in a realistic situation and to complete a task a beginning lawyer should be able to accomplish. For more information about the MPT, see “About NCBE Exams” at www.ncbex.org.
- We must account for all MPT test booklets and materials before starting the P&E Questions. Therefore, you must remain quietly in your seat until we account for all MPT testing materials. **You cannot leave your seat between the MPT and the P&E Questions.**

3. If you use a laptop for the MPT

- You will receive written instructions and a password to open the appropriate answer file in SofTest. Sample instructions are included in these General Instructions.
- You will receive one question booklet. The contents of the question booklet will *not* appear in any SofTest screen.
- You will type your response to the MPT into one SofTest screen. There are no character limits for this response.
- You will receive one piece of scratch paper. You cannot bring in additional paper.

4. If you handwrite the MPT

- You will receive one question booklet and one answer booklet.
- You will receive one piece of scratch paper. You cannot bring in additional paper.
- Write your answer in **black ink only**. Do not use pencil, erasable pens, blue ink, or fine point pens—these do not scan well.
- Begin your answer on the first lined page of the appropriate booklet, and continue on each lined page. Do not skip lines. Do not write in the margins. At the end of your answer, write “End of Answer.”
- We have provided 12 lined pages in the answer booklet, which is ample room for you to write a complete and thorough answer. However, if you use all 12 pages and need more answer space, you may ask a proctor for assistance.

5. Procedure and Evidence Questions (P&E Questions)

- The P&E Questions cover both civil and criminal procedure and evidence. You will have a total of 90 minutes to complete all 40 questions.
- Each of the 40 P&E Questions is worth 5 raw points—if a question has sub-parts, do not assume that each sub-part is of equal value.
- If you complete all 40 questions before the 15-minute warning, you may write the pledge as instructed, turn in your materials, including the P&E Question book, and exit the Secure Area.

6. If you use a laptop for the P&E Questions

- You will receive a single booklet containing 20 Civil Questions and 20 Criminal Questions, for a total of 40 questions. These questions will *not* appear in any SofTest screen.
- You will receive written instructions and a password to open the appropriate file in SofTest. Sample instructions are included in these General Instructions.
- Be sure to answer each question in the appropriate screen in SofTest.
- **Each answer is limited to 460 360 characters.** A character includes a letter, space, punctuation mark, or symbol. SofTest features a running character count in the bottom of each screen. (*Revised May 2016.*)

7. If you handwrite the P&E Questions

- You will receive a single booklet containing 20 Civil Questions and 20 Criminal Questions, for a total of 40 questions.
- You will also receive an answer booklet containing space to write your answer to each of the 40 questions.
- Write your answer in **black ink only**. Do not use pencil, erasable pens, blue ink, or fine point

pens—these do not scan well.

- Be sure to answer each question in the correct space in the answer booklet.
- You must limit your answer to the 5 lines provided after each question. Do not write in the margins. We will not grade anything outside of the 5 provided lines.

Day 2: Multistate Bar Exam -- Wednesday

- The Multistate Bar Examination (MBE) consists of 200 multiple-choice questions, divided equally into two 3-hour testing sessions with a lunch break between sessions. The MBE covers the following subjects: Civil Procedure, Constitutional Law, Contracts, Criminal Law and Procedure, Evidence, Real Property, and Torts. All subjects are covered in both the morning and the afternoon sessions. For more information about the MBE, see “NCBE Exams” at www.ncbex.org.
- The MBE is machine-graded and must be taken with a No. 2 pencil or an equivalent.
- Bring enough pencils to allow for dulling and breakage. Do *not* bring a pencil sharpener. Do *not* bring pens or highlighters.
- You must enter your answers on the answer grid. Answers circled in the question booklet will *not* be graded.
- We must account for all MBE materials before examinees are dismissed. Therefore, if you are present when time is called at the end of each of the MBE testing sessions, you must remain quietly in your seat until we collect and account for all testing materials. Consider this as you make plans for meeting any responsibilities you may have at the end of Wednesday’s testing sessions.

Day 3: Texas Essay Questions -- Thursday

1. The Texas Essay Questions cover the following subjects

- | | |
|--|--|
| • Trusts and guardianships (1 question) | • Consumer rights, including DTPA and insurance (1 question) |
| • Wills and administration (2 questions) | • Business associations, including agency, corporations, partnerships, LLCs, and professional associations (2 questions) |
| • Family law (2 questions) | • Real property, including oil and gas (2 questions) |
| • Uniform Commercial Code (2 questions) | |

Essay questions may involve some issues covered on the MBE, as well as crossover topics of income, estate, gift tax, and bankruptcy. See [Appendix A](#) of the Rules for more information. You will be expected to recognize and discuss all issues raised by the facts, regardless of possible overlap among subjects. Essay questions are not identified on the exam by subject matter.

Each 3-hour testing session consists of 6 questions, each worth 25 raw points. Some of the questions have sub-parts. If a question contains sub-parts, number the answers to correspond to the parts of the questions (i.e., 2a, 2b, 2c). Do not assume that each sub-part is of equal value.

You may write in the question booklets. You cannot bring scratch paper, and we will not provide any scratch paper.

2. If you use a laptop for the Texas Essay Questions

- You will receive written instructions and a password to open the appropriate answer file in SofTest. Sample SofTest instructions are enclosed.
- You will receive a booklet containing the essay questions. The essay questions will be numbered. The essay questions will not appear in any SofTest screen.
- Be sure to answer each question in the correct SofTest screen.

3. If you handwrite the Texas Essay Questions

- You will receive 1 booklet containing 6 essay questions. The essay questions will be numbered.
- You will receive 1 answer booklet with 6 sections. The sections will be numbered.
- Write your answer to Question 1 in the section of the answer book that is labeled 1, and write your answer to Question 2 in the section labeled 2, and so on.
- Write your answer in **black ink only**. Do not use pencil, erasable pens, blue ink, or fine-point pens—these do not scan well.
- Begin your answer on the first lined page of the appropriate section. Do not skip lines. Do not write in the margins. At the end of each answer, write “End of Answer.”
- We have provided enough pages in each section for you to write a complete and thorough answer. However, if you use all of the pages in a section and need more answer space, you may ask a proctor for assistance.

4. Tips for answering Texas Essay Questions

- Read each question carefully and analyze it fully.
- Questions are intended to be inquiries on fundamental points of law. Do not search for hidden meanings, “catches,” or remote exceptions, since none is intended. Use your best judgment to determine the plain meaning of the question.
- Your answer should show an understanding of the facts, the issue(s), and the relevant law, and it should present the reasoning you used to reach your conclusion.
- Write concisely and clearly.
- If a question contains subparts, label your response to each subpart.
- If a direct question is asked, answer it directly.
- Do not volunteer irrelevant information or repeat points.
- If you present arguments for different possible views, be certain you decide the issue.
- Use complete sentences.
- Do not use slang or abbreviations other than for names of parties (i.e., D for defendant; or H for husband).
- Unless otherwise indicated in the question, you may assume:
 - All parties are domiciled in Texas
 - All actions and transactions occur in Texas
 - All court proceedings are brought in the state courts of Texas
 - All property, real and personal, is situated in Texas.

Release of Results

The anticipated date for release of results is **Friday, November 4, 2016**. Please do not contact the Board’s office to ask if results will be released before this date.

We will deliver results of the Bar Exam as follows:

- **Through ATLAS.** We will deliver your results to your ATLAS account, and e-mail you a notification when the results are delivered (unless you choose otherwise). **In order to retrieve your results, you will need visit our website at www.ble.texas.gov and register for an ATLAS account (if you have not done so already). You will receive an e-mail from our office shortly before grades are released outlining the steps for accessing your exam results.** Be sure to keep all of your contact information (including e-mail address) updated with our office.
- **On our website.** A list of the names and examinee numbers of successful examinees will be posted on the Board’s website, www.ble.state.tx.us. Keep your examinee number, especially if you have a common name, so you can refer to it when reviewing the pass list.

- **By first class mail.** Upon request, we will mail your results to you.

Additional Licensing Requirements

You cannot be admitted to the Bar of Texas unless and until you satisfy all requirements set out in Rule II of the Rules Governing Admission to the Bar of Texas. In addition to passing the Bar Exam, requirements for licensing also include:

- Satisfying [Rule II\(a\)\(5\)](#)
- Passing the Multistate Professional Responsibility Examination
- [Paying licensing fees to the Clerk of the Supreme Court of Texas](#)
- [Enrolling in the State Bar of Texas](#)
- Paying [fees and assessments](#) required by Article III, Sec. 2(A) of the State Bar Rules
- Taking the oath required by Government Code §82.037.

If you do not satisfy *all* licensing and admission requirements within 2 years of the date you are notified of your passing Bar Exam score, the score will be void. Rule II(b).

New Lawyers' Induction Ceremony

The State Bar of Texas has tentatively scheduled a New Lawyers' Induction Ceremony at 10:00 a.m. on Monday, **November 21, 2016**, at the Frank Erwin Center in Austin. More information will be provided with result letters.

Note: If you pass the Bar Exam but have not yet fulfilled all other licensing requirements before we release results, your name will appear on the pass list with an asterisk (*). In such case, you would not be able to participate in the New Lawyers' Induction Ceremony unless we receive—at least 5 days before the ceremony—all required proof that you had fulfilled each remaining licensing requirement. While you would be able to participate in the ceremony, your name would not be printed in the program.

The Examination Review Process

Rule XI of the Rules Governing Admission to the Bar of Texas provides two alternative methods to review your performance on parts of the Bar Exam: formal reviews and informal reviews. Reviews are not appeals or re-grades, and will not result in a change to your Bar Exam score.

Formal Reviews. Rule XI(g) provides for a one-time formal review, which is an individual, oral review of your performance on the Bar Exam (excluding the MBE). You are entitled to a formal review if you have failed the TBE more than once and have not previously had a formal review. Regardless of the number of Bar Exams taken, you are entitled to only **one** formal review. **We must *receive* your written request for a formal review within 2 weeks after results are released.** You may fax your request to 512-463-5300. We will notify you of exact dates and additional procedures after we receive and process all requests.

Informal Reviews. Rule XI(h) provides for an informal review of your performance on the exam. Each examining Board member has the discretion to decide whether the review will be oral, telephonic, or written. You are entitled to an informal review each time you fail the Bar Exam, unless you receive a formal review for a particular Bar Exam. **We must *receive* your written request for an informal review within 2 weeks after results are released.** You may fax your request to 512-463-5300. We will notify you of exact dates and additional procedures after we receive and process all requests.

Scoring and Weighting

The Texas Bar Examination has four parts. The highest possible total scaled score across these parts is 1000 points. A total scaled score of 675 or higher is required for passing. The relative weights of the parts are as follows:

Multistate Performance Test (MPT) = 10%

Procedure & Evidence (P&E) = 10% Multistate Bar Exam (MBE) = 40%

Texas Essays (Essays) = 40%

Scaling insures fairness between exams from one administration to another and between questions within any given exam.

(1) The Multistate Performance Test tests an applicant's ability to use fundamental lawyering skills in a realistic situation by completing a task that a beginning lawyer should be able to accomplish. Further information regarding the MBE can be found at www.NCBEX.org.

The MPT is graded on a scale where a 6 is the highest possible score and 0 is the lowest possible score. These grades are converted to the same scale of measurement as that used for the MBE.

(2) Procedure and Evidence Questions. The Procedure & Evidence (P&E) portion contains 40 short answer questions on Texas and federal procedure and evidence: 20 questions on civil procedure and evidence and 20 questions on criminal procedure and evidence. The answers to each question are graded on a 0 to 5 point scale. Thus, the maximum possible raw score on each section is 100 points. The raw scores on the Civil and Criminal sections are then converted to a common score distribution that weights the sections equally and allows for direct comparison of scores between these two sections.

(3) The Multistate Bar Examination is a multiple-choice test. It contains approximately 190 questions that are used to calculate an applicant's score and another 10 questions that are being pretested for future exams. The pretest questions are not used to calculate an applicant's MBE score. Raw MBE scores (the number of questions answered correctly) are equated ("scaled") to adjust for possible differences in average question difficulty across administrations

of the exam. As a result of this procedure, a given MBE scaled score indicates about the same level of performance regardless of the particular administration of the examination on which it is earned. The maximum scaled score on the MBE is 200 points. Further information regarding the MBE can be found at www.NCBEX.org.

(4) Texas Essay Questions. The Texas Bar Examination includes 12 Texas Essay questions. Each essay question is graded on a scale where 25 is the highest possible score and 0 is the lowest possible score. The raw scores on each essay question are then converted to a common score distribution that weights the questions equally and allows for direct comparison of scores across the twelve questions.

Method of Scaling Scores

- MPT raw scores (on the 6-point scale) are converted to a score distribution that has the same mean and standard deviation as the MBE scaled scores.
- The sum of the converted Civil and Criminal P&E scores is scaled to a score distribution that has the same mean and standard deviation as the MBE scaled scores.
- The sum of the converted Essay scores is scaled to a score distribution that has the same mean and standard deviation as the MBE scaled scores.
- The formula below is used to compute the total scaled score, rounded to the nearest whole number:

$$\begin{array}{r} \text{MPT scaled score} \div 2 \\ + \\ \text{P\&E scaled score} \div 2 \\ + \\ \text{MBE scaled score} \times 2 \\ + \\ \text{Essay scaled score} \times 2 \\ = \\ \text{Final Score} \end{array}$$

Important Dates

July 26-28, 2016	July 2016 Texas Bar Examination.
October 30, 2016	Absolute Filing Deadline for the February 2017 Bar Exam <i>(unless you sat for each session of the July 2016 Bar Exam and are awaiting your score on that exam)</i> .
November 4, 2016	Release of Results for July 2016 Bar Exam (anticipated).
November 21, 2016	(Optional) New Lawyers' Induction Ceremony for successful July 2016 Bar examinees (anticipated).
November 30, 2016	<i>Special Filing Deadline to re-apply for the February 2017 Bar Exam if and only if you received a scaled score below 675 on the July 2016 Bar Exam. (If you applied for the July 2016 Exam but did not sit for all 2½ days of it, then this Special Filing Deadline does not apply to you.)</i>

Reminders

- Keep your mailing address, phone number, and e-mail address updated. Promptly fax or mail a signed [change of address form](#) to your Licensure Analyst.
- **Keep track of your eFast username and password.** You will need them to access your eFast account to retrieve your results.
- Bring your Admission Ticket and photo ID to the Bar Exam.
- Do not bring study materials, cell phones, or any other Prohibited Item into the Secure Area.

For More Information

www.ble.texas.gov

- [Important Announcements](#) (home page)
- [Current Exam Information](#)
- [Rules Governing Admission to the Bar of Texas](#) (Rulebook tab)
- [FAQs](#)
- [Past Texas Essay Questions, P&E Questions, and Selected Answers](#)

www.ncbex.org

- Multistate Bar Exam (MBE) subject matter outline and sample test questions
- Multistate Performance Test (MPT) tests, summaries, and point sheets
- Information on the Multistate Professional Responsibility Exam (MPRE)

Sample Exam Day Laptop Instructions

- On the following pages, we have provided samples of the laptop instructions that we will distribute to laptop examinees during the exam on Tuesday and Thursday.
- These are samples that may assist you in completing the Mock Exam and becoming familiar with SofTest. Do *not* bring these sample instructions to the exam.
- For more detailed instructions, go to www.examsoft.com/BarExam.